



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) Nos.3962 & 3963 of 2019

1.U.Jeyakodi ... Petitioner in W.P.3962/2019

2.T.Bose ... Petitioner in W.P.3963/2019

Vs.

1.The Director of Fisheries,
Office of the Director of Fisheries,
Chennai.

2.The Assistant Director of Fisheries,
Office of the Director of Fisheries,
Madurai.

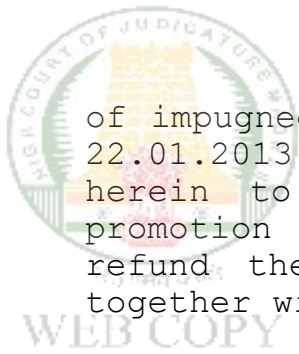
3.The Accountant General (A & E),
Office of Accountant General (A&E),
Chennai.

4.The District Treasury Officer,
Theni, Theni District.

5.The Assistant Treasury Officer,
Sub Treasury, Aundipatti Taluk,
Theni District. ... Respondents in both W.Ps.

PRAYER IN WP.No.3962/2019: Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.2300/A/2017-2 dated 03.08.2018 quash the same and consequently direct the respondents herein to grant one bonus increment for retiring without any promotion from service as per G.O.Ms.No.562, dated 28.10.1998.

PRAYER IN WP.No.3963/2019: Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 2nd respondent in Na.Ka.No.622/A/2015 dated 02.03.2017 and that



of impugned order of 2nd respondent in Se.Mu.Na.No.273/A/2012, dated 22.01.2013 quash the same and consequently direct the respondents herein to grant one bonus increment for retiring without any promotion from service as per G.O.Ms.No.562 dated 28.10.1988 and refund the deduction of Rs.20,994/- made by the 2nd respondent together with interest at 12% p.a.

For Petitioners :Mr.K.Appadurai
(in both WPs)

For R1,R2,R4 & R5 :Mr.M.Ramesh
(in both WPs) Govt.Advocate

For R3 :Mr.P.Gunaselan

COMMON ORDER

The order of rejection, dated 03.08.2018, declining the request of the petitioners for grant of bonus increment, is under challenge in the present writ petitions.

2. The petitioners claim one bonus increment based on G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.10.1998. In order to rectify the pay anomalies One Man Commission was constituted pursuant to the implementation of the Pay Commission. The One Man Commission made certain recommendations, more specifically, in respect of the post where there was no promotional opportunity, one bonus increment was granted.

3. In the present case, the learned Government Advocate for the respondents brought to the notice of this Court that the petitioners were granted promotion to the higher post, however, they relinquished their right of promotion and therefore, they are not entitled for the bonus increment.

4. Once a promotional avenues are available and the petitioners were promoted to the higher post and the relinquishment being an option, which was exercised by the petitioners, then, the petitioners cannot turn around and ask the bonus increment based on the Government orders issued in G.O.Ms.No.562, Finance (Pay Cell) Department, dated 28.10.1998, by stating that they are working in the same post for several years. However, an employee relinquishing the right of promotion for a temporary period after the expiry of the period, he can claim promotion in accordance with seniority, however, the bonus increment cannot be granted as it was sanctioned on conditions that the post must not have any



promotional avenue. This being the scope of the Government Order, the petitioners are not entitled for the relief as such sought for in the present writ petitions.

5. Accordingly, the present writ petitions stand dismissed.
No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MPK

To

- 1.The Director of Fisheries,
Office of the Director of Fisheries,
Chennai.
- 2.The Assistant Director of Fisheries,
Office of the Director of Fisheries,
Madurai.
- 3.The Accountant General (A & E),
Office of Accountant General (A&E),
Chennai.
- 4.The District Treasury Officer,
Theni, Theni District.
- 5.The Assistant Treasury Officer,
Sub Treasury, Aundipatti Taluk,
Theni District.

+1 CC to M/s.SPL GP (SR-5346[F] dated 10/02/2022)

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RD(25.02.2022) 3P 7C